

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* THIERRY A. CUISIN and VINCENT R. J. POIRIER

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Appeal No. 1997-0823  
Application 08/403,946

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HEARD: MARCH 6, 2000

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Before GARRIS, OWENS and WALTZ, *Administrative Patent Judges*.  
OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the examiner's refusal to allow claims 19-28 as amended after final rejection. These are all of the claims remaining in the application.

*THE INVENTION*

Appellants claim a method for making a ceramic mold.

Claim 19 is illustrative and reads as follows:

19. A method of making a ceramic mould for the casting of an article, which comprises:

- a) providing a wax-based pattern of the article to be cast;
- b) forming a contact layer on said pattern;
- c) providing a preparation mould for defining an outer shape of the casting mould to be made;
- d) placing the pattern having the contact layer thereon in said preparation mould to define a cavity between said pattern and said preparation mould;
- e) introducing into said cavity a ceramic slip having a composition which expands and fills said cavity and adheres to the contact layer on said pattern;
- f) removing the pattern and adhered ceramic slip from the preparation mould after from about 5 to 30 minutes;
- g) eliminating the wax-based pattern to leave a casting mould formed by the contact layer and adhered ceramic slip; and
- h) firing said casting mould to strengthen said mould by sintering.

*THE REJECTION*

Claims 19-28 stand rejected under 35 U.S.C. § 112, first paragraph, enablement requirement.

OPINION

We have carefully considered all of the arguments advanced by appellants and the examiner and agree with appellants that the aforementioned rejection is not well founded. Accordingly, we reverse this rejection.

A specification complies with the 35 U.S.C. § 112, first paragraph, enablement requirement if it allows those of ordinary skill in the art to make and use the claimed invention without undue experimentation. See *In re Wright*, 999 F.2d 1557, 1561, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993); *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569, 1576, 224 USPQ 409, 413 (Fed. Cir. 1984).

The examiner argues that appellants' specification is not enabling because it does not set forth the basis (i.e., weight, volume or molar) for the percentages therein (answer, page 4). This argument is not well taken because the examiner has not explained why, regardless of the basis for the percentages in the specification, one of ordinary skill in the art could not have carried out the claimed invention without

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undue experimentation. Consequently, we reverse the  
examiner's rejection.

*DECISION*

The rejection of claims 19-28 under 35 U.S.C. § 112,  
first paragraph, enablement requirement, is reversed.

*REVERSED*

	BRADLEY R. GARRIS	)	
	Administrative Patent Judge	)	
		)	
		)	
		)	
	TERRY J. OWENS	)	BOARD OF
PATENT	Administrative Patent Judge	)	APPEALS AND
		)	INTERFERENCES
		)	
		)	
	THOMAS A. WALTZ	)	
	Administrative Patent Judge	)	

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